

REMARKS/ARGUMENTS

Presently, claims 1-23 remain pending. In the Office Action, the disclosure was objected to for incorrectly using the reference numeral “145” where “165” should have been used to reference the Asset Management System. Applicant has amended the specification to use the correct reference number.

Claim 14 was objected for reciting “content server base [on].” Applicant has corrected the claim to recite “content server based [on]”.

Claim 22 was objected for difficulties in understanding the order of event occurrence. Applicant has amended the claim to clarify the claim.

Claims 1, 6, 9, 10, 12, 13, 15, 17, 19, 20, 21, and 23 were rejected under 35 U.S.C. 102(e) in light of U.S. Patent Application 2001/0014975 (“Gordon”). The remaining claims were rejected under 35 U.S.C. 103 as follows:

Claim 5 was rejected over Gordon in light of Official Notice;

Claims 2-4 were rejected over Gordon in view of Hall (U.S. Patent 6,138,119);

Claims 7 and 8 were rejected over Gordon in view of Bergman (U.S. Patent 6,564,263);

Claim 11 was rejected over Gordon in view of Grauch (U.S. Patent 6,983,478);

Claim 14 was rejected over Gordon in view of Fujii (U.S. Patent 6,804,537);

Claim 16 was rejected over Gordon in view of Lumelsky (U.S. Patent 6,463,454);

Claim 18 was rejected over Gordon in view of Herz (U.S. Patent 6,029,195); and

Claim 22 was rejected over Gordon in view of Xu (U.S. Patent 6,324,581).

DISCUSSION OF AMENDMENTS

Applicant’s remarks are largely focused on independent claims 1, 9, and 19, which are alleged to be anticipated by Gordon. Applicant submits that Gordon discloses the prior art

method discussed and distinguished in the present application, and thus does not disclose an “asset” as claimed in the independent claims.

In order to appreciate the distinction, attention is drawn to page 8 of the specification, which discloses the prior art:

In conventional DDDS systems the content/service provider **15** distributes content physically or electronically to the headend **30** for installation. Typically, the manner in which content and/or services are distributed is highly dependent upon the nature of the content and/or services being transferred to the headend **30**, the capabilities of the content/service provider **15**, and the content/service provider's **15** relationship with the headend **30**. For instance, where a particular content/service provider **15** is in the business of providing movies-on-demand (MOD) to subscribers, the MOD provider may transmit the movie electronically in an MPEG format to the headend **30** over the high speed distribution network **25**. Data associated with the movie, such as the title, actors and actresses, director, year filmed, and the like, are typically forwarded to the headend **30** by conventional means, such as via fax or mail, so that a user at the headend **30** can input the data so that it can be viewed by a subscriber who wishes to find out additional information associated with the movie. Although such content may also be provided electronically, the headend **30** must be setup in advance to understand the format and nature of the information it receives. However, because DDDSs such as the one illustrated in FIG. 1 allow for a wide variety of content to be transmitted to set-top boxes, in conventional systems this requires that the content/service provider **15** and headend **30** pre-establish the method and format for a particular service such that the headend **30** can interpret the data received and provide the content to subscribers. It will readily be appreciated that this lack of a generalized method and path by which to transmit content impedes the services growth of cable systems, particularly, the provisioning of new content and services. The present invention provides a standardized format for distributing content and services such that each service that is implemented does not have to pre-establish and invent the manner in which the content is forwarded to the headend **30**. The standard format for distributing content is illustrated in FIGS. 2A and 2B.

FIG. 2A shows an asset **50**, which comprises metadata **55** and content **60**. The asset **50** is a structure usable by any content/service provider for distributing content and services to the headend **30**.

As noted, the prior art distributed the movie (content) *separately* from the data associated with the movie (meta-data). This means that *different structures* were defined for

transmitting the content and the meta-data. Obviously, transmitting the content separately from the meta-data means that the two forms of information could be transmitted independently, and some form of association would be required to link them up. As distinguished from the prior art, the “asset” disclosed and claimed “comprises metadata and content.” The asset is a structure usable by any content/service provider for distributing content and services to the headend” in a standardized manner.

The independent claims have been amended to clarify this aspect. For example:

- Claim 1 has been amended to recite “An asset ~~that packages~~ combining both related content and data for distribution and service implementation in a digital cable system, comprising...”
- Claim 9 has been amended to recite: “a staging server that receives an asset from a content provider, wherein the asset comprises both content and data related to the content...”
- Claim 19 has been amended to recite: “receiving an asset, wherein the asset ~~includes~~ comprises both a machine readable description identifying content and related data comprising an application identifier...”

In each case, it is clear that the “asset” comprises both “content and data” or “content and related data.” *If the asset consisted of only content, or data, then it would not be an asset comprising both content and data.* The benefits of the approach of combining the two information forms are detailed in the specification.

The Gordon Reference

The Gordon reference teaches the prior art method. Gordon teaches that the meta-data and the content, though associated, are treated separately. Gordon does not have any disclosure of any structure of an “asset” that comprises “both content and data.” Because Gordon treats the meta-data and content as separate entities, different structures are required.

First, Gordon defines “meta data” and “viewable data objects” separately (see par. 28 and 31). Paragraph 28 indicates that meta data can be transmitted separately from the video with which it is associated with (“[a] network may transmit meta data to help a viewer determine whether to request the associated viewable data objects.”). Paragraph 52 indicates “[t]he manager may propagate other data through the storage servers... this data includes meta data....” See also paragraph 45. Thus, meta-data is “other” data that can be propagated separately from the viewable data objects.

It is clear that Gordon discloses that meta-data can be transmitted separately and independently from the viewable objects. As such, they must be in separate structures. Though related, this does not result in the disclosure of an “asset” comprising “both content and data.” Gordon does not disclose any common structure comprising both forms of information. This fundamental aspect cannot be glossed over in examining whether all limitations in the independent claims are disclosed by Gordon.

Other distinctions

The independent claims have also been amended to clearly recite that the meta-data (or “data related to the content”, or “related data”) comprises an application identifier that identifies the application to process the asset. For example:

- Claim 1 has been amended to recite “at least one metadata object, wherein the at least one metadata object comprises an application identifier identifying ~~identifies~~ an application associated with processing ~~that is associated~~ with the asset....”
- Claim 9 has been amended to recite: “wherein the asset comprises both content and data related to the content, the data related to the content further comprising an application identifier....”
- Claim 19 has been amended to recite: “receiving an asset, wherein the asset ~~includes~~ comprises both a machine readable description identifying content and related data wherein the related data further comprises an application identifier”

Gordon does not disclose any “application identifier.” The Office Action references Gordon for disclosure of “at least one metadata object (paragraph 51, lines 2-4), wherein the at least one metadata object identifies an application that is associated with the asset (paragraph 62, lines 1-3).” (Office Action, page 3).

Paragraph 62, lines 1-3 discloses programs that control the writing and storing of “viewable data objects.” According to Gordon’s own definitions, “viewable data objects” are “sets of data files that automatically execute on a viewer’s receiver” and include “a television show, a movie, a film clip, and/or a news clip.” (paragraph 31). Thus, the cited paragraph 62 pertains to the “content” (viewable data objects) not to metadata. The cited paragraph does not disclose that a “metadata object identif[ies] an application that is associated with the asset” as claimed in the Office Action.

In summary, Gordon does not disclose at least two limitations that are recited in the independent claims. First, Gordon does not disclose an “asset” that comprises both content and data. Gordon discloses that viewable data objects can be transmitted separately from meta-data and there is no disclosure of a single structure encompassing both. Second, Gordon does not disclose an “application identifier” in the meta-data identifying an application to process the asset. The cited paragraph in Gordon pertains to viewable data objects, not to meta-data.

Applicant has not addressed whether a *prima facie case* of obviousness has been established with respect to the numerous combinations of the dependent claims since the independent claims are patentable over Gordon. Since the dependent claims incorporate the limitations of the independent claim from which they depend, and it is shown that Gordon does not anticipated the limitations in the independent claims, the various combinations of Gordon and the other references are insufficient to render the dependent claims obvious.

Applicant respectfully submits that the rejection be withdrawn, and that the claims are now in a position to be allowed.

SUMMARY/CONCLUSION

Applicant has amended the claims to reflect one embodiment of the invention, namely that the host protocol file comprises protocol information for deriving a host-specific protocol

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message that can be transmitted to the host for configuration or provisioning. In this manner, the cable network can accommodate a host requiring the use of a new protocol. Applicant respectfully submits that the above amendments recite limitations that are not disclosed or rendered obvious by the cited art of record. Applicant respectfully requests that the notice of rejection be withdrawn and that the claims be placed in a condition of allowance.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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